



AGENDA

IDAHO WATER RESOURCE BOARD

Water Resource Planning Committee Meeting No. 3-25 November 3, 2025

Brad Little
Governor

1:00 PM (MT) / Noon (PT)

Jeff Raybould
Chairman
St. Anthony
At Large

Water Center
Conference Room 602 C & D
322 E. Front St.
BOISE

Jo Ann Cole-Hansen
Vice Chair
Lewiston
At Large

Livestream available at <https://www.youtube.com/@iwrp>

Dean Stevenson
Secretary
Paul
District 3

-
1. Introductions and Attendance
 2. State Water Plan & ESPA CAMP
 - a. Public Comments Discussion
 - b. Finalization of Proposed State Water Plan & ESPA CAMP Changes *
 3. American Rivers Stream Channel Alteration Permits *
 4. South Fork Snake River Comprehensive Basin Plan *
 5. Other Items
 6. Adjourn

Dale Van Stone
Hope
District 1

Albert Barker
Boise
District 2

Brian Olmstead
Twin Falls
At Large

Committee Members: Chair Albert Barker, Jeff Raybould, Marc Gibbs, Dean Stevenson, and Jo Ann Cole-Hansen

Marcus Gibbs
Grace
District 4

Patrick McMahon
Sun Valley
At Large

* Action Item: A vote regarding this item may be made at this meeting. Identifying an item as an action item on the agenda does not require a vote to be taken on the item. **Americans with Disabilities:** The meeting will be held in person and online. If you require special accommodations to attend, participate in, or understand the meeting, please make advance arrangements by contacting Department staff by email jennifer.strange@idwr.idaho.gov or by phone at (208) 287-4800.

Memorandum



To: Idaho Water Resource Board
From: Neeley Miller, Planning & Projects Bureau
Date: October 30, 2025
Re: State Water Plan and ESPA CAMP proposed changes

Action: Recommend proposed changes to SWP and ESPA CAMP

Background

The Idaho Legislature in 2025 passed Senate Concurrent Resolution 110. The purpose of this resolution is to express legislative support for the November 15, 2024 settlement agreement between the members of the Surface Water Coalition and Ground Water Districts along the Eastern Snake Plain. The Resolution also expresses support for the ongoing efforts of the State of Idaho to address water supply challenges along the Eastern Snake plain and supports the Water Board's efforts to increase aquifer recharge goals from 250,000 acre feet to 350,000 acre feet.

Excerpt from SCR 110:

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature supports the 2024 Stipulated Mitigation Plan.

BE IT FURTHER RESOLVED that the Legislature supports the Idaho Water Resource Board revising State Water Plan policies 4B, 4D, and 4E and the ESPA Comprehensive Aquifer Management Plan to establish a state-funded ESPA managed recharge goal of 350,000 acre-feet on an average annual basis.

On July 11, 2025, the Water Resource Planning Committee (Committee) announced it was receiving public comments on staff proposed changes to the SWP and ESPA CAMP based on SCR 110 beginning on July 11th and continuing through September 30th. The Committee also announced public hearings to be held in Idaho Falls on July 23rd and Twin Falls on September 10th to receive oral testimony related to proposed changes to the SWP and ESPA CAMP.

Five public comments were received in total. Two written public comment letters were received, and three individuals provided oral testimony at the public hearings.

Summary of Public Comments			
	Name/Affiliation	Type of Comment	Category
1	ESPA Surface Water Coalition	Written 9-29-25	See attached letter -Support for new recharge goal. Include references to recent administrative developments on the ESPA
2	Elmore County	Written 9-9-25	See attached letter – Requests the IWRB update policies 4C (Reallocation of Trust Water), 4F (Agriculture), 4G (DCMI), and 4H (Hydropower) to recognize soft conversions within the Mountain Home Ground Water Management Area and Cinder Cone Butte Critical Ground Water Area using appropriated Snake River trust water as being in the public interest.
3	ESPA Surface Water Coalition – Travis Thompson	Oral testimony 9-10-25	Support for new recharge goal. Include references to recent administrative developments on the ESPA
4	Brian Murdock – farmer, water advocate	Oral testimony 9-10-25	Support for new recharge goal; Support for new storage projects including Anderson Ranch raise and Galloway project
5	Linda Lemmon – Hagerman Valley Water User, former CAMP Advisory Committee member	Oral testimony 9-10-25	Supports increase in recharge goal. Wishes it was larger. Concerned about spring declines since the CAMP was completed.

Oral testimony can be reviewed here: <https://www.youtube.com/watch?v=rEkz3LXbPJU> and <https://www.youtube.com/watch?v=l-w28SkrRyg>

Staff have prepared proposed changes to the State Water Plan (SWP) and the ESPA Comprehensive Aquifer Management Plan (CAMP) based upon SCR 110 and public comments received. Staff will discuss the comments and proposed changes with the Committee.

Attachment(s):

Draft SWP policies 4B, 4D, 4E proposed changes
Draft ESPA CAMP proposed changes
ESPA Surface Water Coalition Comment Letter
Elmore County Comment Letter

4B - SNAKE RIVER MILNER ZERO MINIMUM FLOW

Water resource policy, planning, and practice should continue to provide for full development of the Snake River above Milner Dam recognizing that the exercise of water rights above Milner Dam has and may reduce flow at the Dam to zero.

Discussion:

Idaho Code § 42-203B(2) provides that “[f]or the purpose of the determination and administration of rights to the use of the waters of the Snake River or its tributaries downstream from Milner Dam, no portion of the waters of the Snake River or surface or ground water tributary to the Snake River upstream from Milner Dam shall be considered.” This provision was enacted in 1986 to confirm and clarify the Milner zero minimum stream flow and the “two rivers” concept. Policy 4B reaffirms the Milner zero minimum stream flow and the “two rivers” concept, which have appeared in each successive revision of the Idaho State Water Plan.

Figure 1 shows the annual volume of natural flow passing Milner Dam from 1980 through 2011. Because of year-to-year variability of the natural flow passing Milner Dam, the optimum development of the natural flow will be achieved through storage in surface water reservoirs above Milner Dam and in the ESPA.

Implementation of managed recharge will have an effect on the flow characteristics of the Snake River above and below Milner Dam. ~~Accordingly, while the~~ The Eastern Snake Plain Aquifer Comprehensive Management Plan (“ESPA CAMP”) established a long-term annual hydrologic target of 150,000 to 250,000 acre-feet of managed recharge ~~to, this target should~~ be phased in to allow for informed water management and planning.² The Phase I managed recharge hydrologic target for the Snake River Basin above Milner ~~is was~~ to recharge between 100,000 and 175,000 acre-feet on an average annual basis. ~~The recharge target was subsequently raised to 250,000 acre-feet on an average annual basis. Based upon data gathered during this initial phase of managed recharge, the Board will consider in 2019 whether to implement the ESPA long-term managed recharge hydrologic target.~~¹

The initial recharge goals of the ESPA CAMP have been achieved. In 2025, the Idaho Legislature passed Senate Concurrent Resolution 110 which recognized that “ESPA groundwater levels, Snake River reach gains, and ESPA spring discharges increased from 2015 to 2020, but have since declined to near 2015 levels despite considerable groundwater conservation, and managed aquifer recharge, and cloud seeding activities...” Senate Concurrent Resolution 110 directed the IWRB to establish a state-funded ESPA managed recharge goal of 350,000 acre-feet on an average annual basis. The state-sponsored 350,000 acre-feet on an average annual basis

¹ The Board entered into a Memorandum of Agreement with Idaho Power Company as part of the 2009 Framework Reaffirming the Swan Falls Settlement dated May 6, 2009, that sets forth additional understandings between the Idaho Power Company and the Board regarding implementation of managed recharge.

will be based on a 15-year rolling average. Achieving the state-sponsored 350,000 acre-feet recharge goal may require development of additional managed recharge infrastructure. It is recognized that, given the variability of the water supply, this goal may be developed over time.

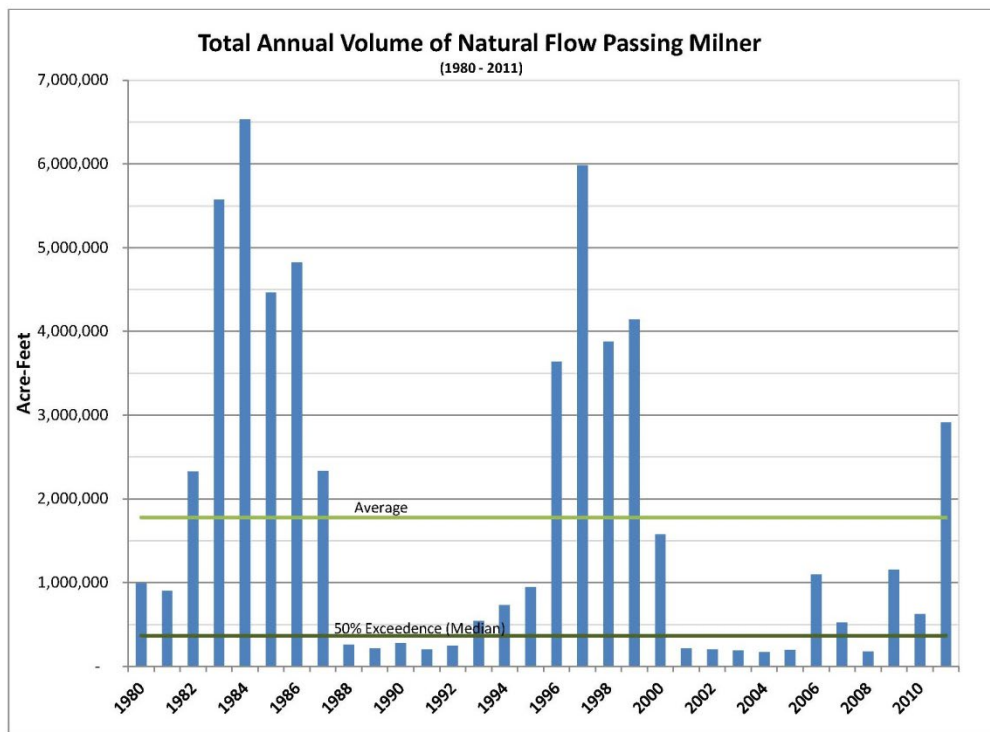


Figure 1

Total Annual Volume of Natural Flow Passing Milner Dam

As discussed in Policy 4E, development of new surface storage will take time. In the interim, the Board will cooperate with stakeholders to explore ways to optimize the management of flows that are currently passing over Milner Dam to first meet water supply needs above Milner Dam, and second to shape any remaining unappropriated flows for hydropower and other uses below Milner Dam.

Consistent with Idaho Code § 42-203B(2), no use of unappropriated flows passing Milner Dam by downstream users establishes a right to call on such flows now or in the future.

Implementation Strategies:

- Develop and maintain a reliable supply of water for existing uses and future beneficial uses above Milner Dam.
- Assess the feasibility of construction of new on-stream and off-stream storage in the Snake River Basin above Milner Dam.
- Implement a sustainable aquifer recharge program
- Address water management and reservoir operation needs through the Upper Snake River Advisory Committee.

- Measurement and Monitoring Implementation Strategy:
 - Continuously improve the Eastern Snake River Aquifer Model (“ESPAM”), the Snake River Planning Model (“SRPM”), and the Snake River Water Right Accounting Program.
 - Promote linkage of the models and their use in evaluation of impacts of various management decisions on Snake River flows, aquifer levels, and reservoir operations.
 - Undertake measurement and monitoring of the combined river and aquifer system to facilitate water management and planning in the Snake River Basin above Milner Dam.
 - Investigate, test, and adopt new water measurement and modeling methods and technologies that improve water management capabilities.
- Implement and maintain cooperative water resource agreements and partnerships with neighboring states, the federal government, and Indian tribes in managing the water resources of the Snake River above Milner Dam.

Milestones:

- Process in place that provides recommendations to optimize the management of the water resources and the reservoir system above Milner Dam.
- ~~A managed aquifer recharge program above Milner Dam implemented that recharges between 100,000 and 175,000 acre-feet on an average annual basis by 2019 and data gathered to assess the efficacy of the program.~~
- Projects implemented that enhance the water supply above Milner Dam, including projects that improve reach gains to the Snake River between Blackfoot and Minidoka Dam.
- ~~Implement a state-sponsored managed aquifer recharge program with a goal of achieving between 150,000 and 350,000 acre-feet of recharge on an average annual basis, as measured by a 15-year rolling average.~~

4D - CONJUNCTIVE MANAGEMENT OF THE ESPA AND SNAKE RIVER

The Eastern Snake Plain Aquifer and the Snake River ~~below Milner Dam~~ should be conjunctively managed to provide a sustainable water supply for all existing and future beneficial uses within and hydraulically connected to downstream of the ESPA.

Discussion:

The ESPA is approximately the size of Lake Erie and underlies more than 10,800 square miles of southern Idaho, stretching from St. Anthony to King Hill. It is one of the largest and most productive aquifers in the world, estimated to contain 1-billion-acre feet of water. Most of the

ESPA is in direct hydraulic connection with the Snake River. The Snake River alternately contributes water to and receives water from the ESPA. [Small changes in aquifer storage can have significant impacts on the Snake River](#)

The volume of water stored in the ESPA derives from natural inputs (precipitation, tributary underflow, seepage from rivers) and from irrigation related inputs (seepage from canals and farm fields). The volume of water stored in the ESPA increased dramatically during the first half of the 20th century as large irrigation canals transported millions of acre feet of water from the Snake River out on to the Eastern Snake River Plain. Crops were irrigated by flood irrigation, and the water not consumed by the crops percolated into the ESPA as "incidental recharge. As a result, the groundwater table rose across the ESPA by as much as 30-50 feet. The flow of springs near American Falls and in the Thousand Springs reach also increased dramatically. Thousand Springs flows increased from 4,200 cfs prior to irrigation to about 6,800 cfs by the late 1950s. Since then spring flows have declined as a result of more efficient surface water irrigation practices, the termination of winter canal flows, ground water pumping, and drought. Spring flows in the Thousand Springs reach [in 2024 currently](#) are about [5,2004,500](#) cfs, a decline of just over [320% over the past sixty years](#). While spring discharges from the ESPA remain above pre-irrigation levels, the decline from peak levels has created conflicts between surface and groundwater users, and in some instances between senior and junior groundwater users.

In most years when irrigation demands exceed water being accumulated to upstream storage reservoirs, flows at Milner Dam are reduced to zero until the end of the irrigation season. At these times the Snake River flow at the Murphy Gage consists mostly of ESPA discharge from the Thousand Springs area.

Recognizing a hydraulic connection between the ESPA and the Snake River, the 1986 State Water Plan identified the need conjunctive management of ground and surface water resources. In recent years, the State has implemented scientific measures to increase knowledge of the hydraulic connection between the ESPA and the Snake River, and implemented measures to improve aquifer conditions in, and spring discharge from, the ESPA. Continuation of these efforts is fundamental to ensuring an adequate water supply for existing and future water demands within the Eastern Snake River Basin.

Conjunctive management of the Snake River Basin water resources is also key to meeting the Murphy minimum stream flows. The 1984 Swan Falls Settlement explicitly recognized effective water management of the ESPA and Snake River – and associated policies and recommendations laid out in the State Water Plan – as the means of ensuring the Murphy minimum average daily flow while optimizing the development of the Snake River Basin: “[t]he State Water Plan is the cornerstone of the effective management of the Snake River and its vigorous enforcement is contemplated as a part of the settlement.”²

² This policy addresses conjunctive management of the Eastern Snake River Aquifer and the Snake River and not water rights administration. Water rights administration is the enforcement of the relative rights of water right holders under the prior appropriation doctrine. As noted in Policy 1E conjunctive management is broader and encompasses actions that can be taken to optimize the benefits and value of Idaho’s water resources. While conjunctive management is not a substitute for water rights administration, it is in the public interest to

Building on the existing conjunctive management efforts, the Idaho Legislature in 2006, adopted Senate Concurrent Resolution 136, which requested the Idaho Water Resource Board to develop a CAMP for the Eastern Snake River Plain Aquifer. In January 2009, the Board adopted the ESPA CAMP the goal of which is to “[s]ustain the economic viability and social and environmental health of the Eastern Snake Plain by adaptively managing the balance between water use and supplies.” The objectives of the plan are to increase predictability for water users by managing for a reliable supply, creating alternatives to administrative curtailment, managing overall demand for water within the Eastern Snake Plain, increasing recharge to the aquifer, and reducing withdrawals from the aquifer.

The long-term objective of the ESPA CAMP is to effectuate a net annual ESPA water budget change of 600 thousand acre-feet (kaf) by the year 2030. This change is to be achieved through implementation of measures designed to reduce demand on and to augment the water supply of the ESPA. Approximately 100 kaf of demand reduction is to be achieved through groundwater to surface water conversions, and another 250-350 kaf of demand reduction is to be achieved through various measures designed to retire existing water rights. Aquifer recharge is expected to increase the ESPA water supply by 150-~~250~~ 350 kaf.

The ESPA CAMP uses a phased approach to achieving the long-term change in the water budget. The goal of ~~Phase I of~~ the ESPA CAMP is to implement measures that will result in a net annual change in the ESPA water budget of ~~between 200 kaf and 300~~ 600 kaf. The recommended actions to achieve this change include ground- to-surface water irrigation conversions, managed aquifer recharge, and augmentation of supplies through demand reduction and weather modification. ~~ESPA CAMP Phase I strategies are to be implemented by 2018 with ongoing monitoring and evaluation of the intended and unintended effects of the strategies. The Phase I monitoring and evaluation studies will be used to select, design, and implement Phase II strategies that will lead to an additional 300-400 kaf water budget change.~~

The initial recharge goals of the ESPA CAMP have been achieved. In 2025, the Idaho Legislature passed Senate Concurrent Resolution 110 which recognized that “ESPA groundwater levels, Snake River reach gains, and ESPA spring discharges increased from 2015 to 2020, but have since declined to near 2015 levels despite considerable groundwater conservation, managed aquifer recharge, and cloud seeding activities . . .” Senate Concurrent Resolution 110 directed the IWRB to establish a state-funded ESPA managed recharge goal of 350,000 acre-feet on an average annual basis. The state-sponsored 350,000 acre-feet on an average annual basis will be based on a 15-year rolling average. Achieving the state-sponsored 350,000 acre-feet recharge goal may require development of additional managed recharge infrastructure. It is recognized that, given the variability of the water supply, this goal may be developed over time.

Policy 4D embraces the conjunctive management goals and objectives of the ESPA CAMP. Implementation of the ESPA CAMP will improve the opportunities to adaptively manage and

conjunctively manage the ESPA and the Snake River to lessen or obviate the need for broad-scale water rights administration to accomplish general water-management goals.

optimize water supplies within and downstream of the ESPA, may result in: increased gains in some river reaches; improved storage carryover; increased aquifer levels; opportunities for municipal and industrial growth; reductions in overall consumptive use; increased spring discharge rates; and an ongoing public process for assessing the hydrologic, economic, and environmental issues related to the implementation of management strategies.

Most of the human made changes to the ESPA water balance during the past decades are reflected in current aquifer levels and spring flows. Continued changes in irrigation practices (e.g., conversion from gravity irrigation to sprinkler irrigation) and future climate variability, however, may create additional impacts to ESPA aquifer levels and aggregate spring discharge. Such impacts affect not only the ESPA area but also the Snake River downstream of the ESPA, because aggregate spring discharge from the Thousand Springs reach is the primary source of river flows in the Milner to Murphy reach during portions of some years.

To date, efforts to monitor and measure ESPA groundwater levels, diversion volumes, and river reach/gains have focused on the ESPA, individual springs discharging water from the ESPA, and reaches of the Snake River hydraulically-connected with the ESPA. Because of the importance of the ESPA discharge on downstream reaches of the Snake River, however, it is imperative that an enhanced spring-flow monitoring program be developed to provide the information necessary for identifying, tracking, and predicting future spring discharge trends. Such a monitoring program needs to include long-term measurements of aggregate annual spring discharge (as opposed to point-in-time discharge from individual springs) and ESPA ground water levels.

Sustaining Snake River minimum stream flows downstream of the ESPA may require short-term and long-term adaptive management measures. A monitoring program aimed at identifying long-term spring discharge trends in the Snake River Thousand Springs reach should be designed to support the development of one or more adaptive management “triggers” based on pre-determined observed or predicted change in aggregate spring discharge rate, aquifer levels, and/or Snake River flow. The triggers should be used to initiate adaptive management measures that address the cause – or impacts – of any unacceptable decline in Snake River flow downstream of the ESPA.

Monitoring efforts and adaptive management measures are crucial to sustaining the economic viability and social and environmental health of the ESPA and the Snake River. Successful adaptive management strategies, built on the principles of conjunctive management of ground and surface water, supported by scientific understanding and reliable data that take into account the complex and interrelated nature of Snake River subbasins, will accomplish two goals: 1) ensure an adequate and sustainable water supply for existing and future uses, and 2) reduce conflicts between ground and surface water users.

Implementation Strategies:

- Implement actions delineated in the ESPA CAMP that will enhance aquifer levels and spring flows.

- Continue existing efforts to measure and monitor ground and surface water diversions, water levels, spring discharge rates, and Snake River reach gains/losses, and quantify ground and surface water interactions.
- Develop and implement a monitoring program to better predict the occurrence and duration of future low flows in the Snake River.
- Create a working group to assist in the development of a spring monitoring program.
- Update the Snake River: Milner Dam to King Hill Part B State Water Plan to incorporate ESPA CAMP goals and objectives and to account for water management developments since its adoption.
- Implement a state-sponsored managed aquifer recharge program with a goal of achieving between 150,000 and 350,000 acre-feet of recharge on an average annual basis, as measured by a 15-year rolling average.
- Assist in implementing the ESPA Groundwater Management Plan developed by IDWR.

Milestones:

- ESPA CAMP hydrologic conjunctive management targets met or exceeded.
- Snake River flows at the Murphy and Weiser Gages remain at or above established minimum stream flows.
- Reduced water-related conflict in the Snake River Basin.
- Revision of Part B of the State Water Plan.

4E - SNAKE RIVER BASIN NEW STORAGE

Development of new on-stream, off-stream, and aquifer storage is in the public interest; provided, however, applications for large surface storage projects in the Milner to Murphy reach of the Snake River should be required to mitigate for impacts on hydropower generation.

Discussion:

ESPA Managed Recharge Pilot program

Recharging aquifers as a water supply alternative has significant potential to address water supply needs, in addition to addressing conjunctive management issues. ~~Pursuant to the ESPA~~

~~CAMP~~ The Board ~~has completed is undertaking~~ a five-year pilot program of managed aquifer recharge to the Eastern Snake Plain Aquifer. One of the potential benefits of managed recharge in the ESPA is increased water storage in the aquifer. Effectiveness monitoring and evaluation results will be used to select and design future managed recharge strategies and projects.

Surface Water Projects

New Snake River surface storage projects should be investigated and constructed if determined to be feasible. Although there are major dams and reservoirs designed for water storage, flow regulation, and flood control on the Snake River and its tributaries, their existing capacity is insufficient to provide the water supply and management flexibility needed for the myriad of existing and future beneficial uses.

Diversion of water from the main stem of the Snake River between Milner and the Murphy Gaging station for storage during the period November 1 to March 31 will have a significant impact on hydropower generation. Thus, any new storage projects in this reach should be coupled with provisions that mitigate for the impact of such storage depletions on hydropower generation. The term “mitigation” is defined as causing to become less harsh or hostile, and is used here rather than “compensate” which connotes equivalence. Methodology will be developed for use in calculating impacts on hydropower generation as part of any application to construct new storage within this reach of the Snake River.

A number of studies focusing on water storage as one potential measure for addressing water supply demand and flood risk reduction are underway. This section provides a brief description of the most significant studies that have been initiated or are in the planning process.

Henry’s Fork Project/Teton River Basins

The Board and the U.S. Bureau of Reclamation are conducting a study of water resources in the Henry’s Fork/Teton River Basins to develop alternatives for improving water supply conditions in the Eastern Snake Plain Aquifer and upper Snake River Basin. These alternatives include new water storage projects, enlargement of existing reservoirs, and conservation and water management strategies, including managed aquifer recharge and automated water delivery systems.

Minidoka Dam Enlargement

In the 1980s, the Bureau of Reclamation and irrigation districts initiated the required planning process and feasibility studies to replace the spillway and two canal headworks due to the state of deterioration and potential for ongoing damage to sections of the Minidoka Dam. In 2008, the Board partnered with the Bureau of Reclamation to also evaluate the structural raising of Minidoka Dam to accommodate a 5-foot rise in normal reservoir surface elevation, in conjunction with planned spillway repairs. The study found that a 5-foot rise is technically feasible, and would provide an additional 67,000 acre-feet of storage with an average annual yield of 33,000 acre-feet. Funding for the enlargement of Minidoka Dam, however, is currently not available. If economic or other conditions change, the Board will consider further evaluation of this storage option.

ESPA Managed Recharge Pilot program

~~Recharging aquifers as a water supply alternative has significant potential to address water supply needs, in addition to addressing conjunctive management issues. Pursuant to the ESPA CAMP, the Board is undertaking a five-year pilot program of managed aquifer recharge to the Eastern Snake Plain Aquifer. One of the potential benefits of managed recharge in the ESPA is increased water storage in the aquifer. Effectiveness monitoring and evaluation results will be used to select and design future managed recharge strategies and projects.~~

Lower Boise River Interim Feasibility Study

The lower Boise River corridor, from Lucky Peak Dam to its confluence with the Snake River has experienced rapid population growth and significant urban development over the past several decades. As a consequence, there is renewed interest in addressing water supply and flood control issues. Interest has also been expressed in environmental restoration, to include habitat preservation, aesthetics and recreation along the Boise River.

In 2009, the Board and the U.S. Army Corps of Engineers partnered to conduct an Interim Feasibility Study focused on water storage potential and flood reduction in the Boise River Basin. A preliminary analysis ranked an enlargement of Arrowrock Reservoir as the highest priority alternative, followed by the construction of a new reservoir at the Alexander Flat site and a new reservoir at the Twin Springs site. A preliminary analysis completed in 2011 concluded that based on existing information, raising Arrowrock Dam is technically feasible. The evaluation identified a number of uncertainties that will be addressed during future study and data collection efforts, as funding becomes available.

To help address future water needs in the Treasure Valley and southwest Idaho, the Idaho Water Resource Board (IWRB) partnered with the Bureau of Reclamation to investigate and undertake a project to raise Anderson Ranch Dam 6 feet that should be completed by 2031. This would provide an additional 29 kaf.

Weiser-Galloway Gap Analysis, Economic Evaluation and Risk-Based Cost Analysis (Gap Analysis)

Water storage on the Weiser River and at the Galloway site has been studied for decades. In 1954, the Corps received a study authorization resolution for the Galloway Project from the U.S. Senate Public Works Committee. In the early 1970s, federal lands for the potential Galloway dam and reservoir site were classified and withdrawn for hydropower purposes by the Federal Power Commission (now FERC). In 2008, Idaho House Joint Memorial 8 directed the Board to investigate water storage projects statewide, including the Weiser-Galloway Project. The Board and the Corps partnered to conduct a “Gap Analysis” which was completed in March 2011. The Gap Analysis was designed to inform decision makers of critical information gaps that need to be addressed before deciding whether to move forward with comprehensive new environmental, engineering, and economic feasibility studies. The analysis identified two critical information gaps that must be resolved before moving forward:

1. Determine the safety, suitability, and integrity of geologic structures at the potential dam and reservoir site.
2. Evaluate whether basin and system benefits would be realized by analyzing a series of system operating scenarios with a range of new storage options on the Weiser River. Potential benefits include flood risk reduction, hydropower, additional water storage, pump back, irrigation, recreation, and flow augmentation requirements for anadromous fish recovery. On July 29, 2011, the Idaho Water Resource Board authorized expenditure of up to \$2 million to address these questions, and the required studies are currently underway.

Implementation Strategies:

- Expand state-sponsored managed recharge capacity to allow for the opportunistic capture of flood flows. Expanding recharge capacity to allow for the capture of flood water. ~~Implement a long-term managed aquifer recharge program to achieve an average annual recharge of 250,000–300,000 acre feet. In recognition that implementation of managed recharge will have an effect on the flow characteristics of the Snake River above and below Milner Dam and in order to confirm the relative merits of managed recharge, the Board's managed recharge program will be limited to not more than 175,000 acre feet on an average annual basis until January 1, 2019.~~
- Evaluate the economic, social and environmental benefits and costs of the proposed surface projects.
- Continue partnership with BOR on Anderson Ranch Dam raise

Milestones:

- Increase managed aquifer recharge capacity. ~~Aquifer managed recharge program implemented.~~
- Actions taken to determine feasibility of identified storage projects.
- Completion of Anderson Ranch Dam raise.

ESPA CAMP Changes

3.0 RECOMMENDATIONS

3.1 Long-Term Hydrologic Goal

The Plan establishes a long-term goal of 600 kaf average annual change to the aquifer water budget with implementation occurring over a 20-year period. A 600 kaf water budget change is considered an appropriate long-term goal considering present and future water needs, hydrologic impacts, and cost. It is currently estimated that achieving the long-term 600 kaf goal will cost more than \$600 million. Full implementation of the long-term goal is dependent on many variables including water availability and funding. As such, specific actions will need to be developed by the Board after consideration of the recommendations submitted by the Implementation Committee. The Plan, by adopting a mix of

strategies represents a balanced approach to modifying the water budget. Specifically, the Plan includes aquifer recharge, groundwater to surface water conversions, and demand reduction efforts. Careful consideration was given to the following factors in the development of the long-term goal:

- Ability to target actions to accomplish specific hydrologic goals in specific locations.
- Time frame and ease of implementation.
- Environmental and economic impacts.
- Practicality, including financing and public and political acceptance.

The Plan provides for the implementation of the following management strategies:

Ground Water to Surface Water Conversions	Approximately 100 kaf/year annual average (by acquiring water supplies below Milner Dam to replace water required from the Upper Snake River for salmon flow augmentation).
Aquifer Recharge	Approximately 150-250-350 kaf/year (using the Board's natural flow water permit and storage water when available).
Demand Reduction	Approximately 250-350 kaf/year (using voluntary mechanisms based on the principle of willing seller/willing buyer to reduce aquifer and spring flow demands, including CREP, purchases, subordination agreements, fallowing and crop mix changes, and other mechanisms).
Pilot Weather Modification Program	Implement a 5-year pilot weather modification project in the Upper Snake River Basin and potentially the Wood River system, with state, local and other agency support. Include a detailed monitoring program for the weather modification program.

Table 2 – Plan Hydrologic Targets

PLAN HYDROLOGIC TARGETS		
ACTION	PHASE I TARGET (KAF)	LONG-TERM TARGET (KAF)
Ground Water to Surface Water Conversion	100	100
Managed Aquifer Recharge	100	150- 250 350
Demand Reduction		250-350
<i>Surface Water Conservation</i>	<i>50</i>	
<i>Crop Mix Modification</i>	<i>5</i>	
<i>Rotating Fallowing, Dry-Year Lease Agreements and CREP Enhancements.</i>	<i>40</i>	
<i>Buy Outs, Buy Downs, and/or Subordination Agreements</i>	<i>No Target (Opportunity-Based)</i>	
Weather Modification	50*	No Target
TOTAL	200-300	600

*50 KAF was used in hydrologic modeling, based on a conservative estimate provided in the Upper Snake Weather Modification Feasibility Study.

**Surface Water Coalition Comments
Proposed Changes to State Water Plan
September 29, 2025**

To: Idaho Water Resource Board
SWP@idwr.idaho.gov

The Surface Water Coalition (“SWC” or “Coalition”) is a short-hand collective reference for seven irrigation entities in the Magic Valley (A&B Irrigation Dist., American Falls Reservoir Dist. #2, Burley Irrigation Dist., Milner Irrigation Dist., Minidoka Irrigation Dist., North Side Canal Company, and Twin Falls Canal Company). These joint written comments follow up on the oral testimony provided by Travis Thompson (attorney Parsons Behle & Latimer) at the public hearing held in Twin Falls on September 10, 2025.

SWC Interests:

The Coalition delivers irrigation water to over 600,000 acres in Cassia, Minidoka, Jerome, Twin Falls, Gooding, and Elmore Counties. Shareholders and landowners within the Coalition irrigation projects farm some of the most productive land in the State and contribute to the economies of these leading counties for farm output. The Coalition members hold individual natural flow rights to the Snake River as well as storage space in Lake Walcott, American Falls, Palisades, and Jackson Lake Reservoirs.

The Eastern Snake Plain Aquifer (“ESPA” or “Aquifer”) is hydraulically connected to the Snake River in the American Falls reach. These spring flows and tributary reach gains provide a critical supply of water to support the Coalition’s water rights. The Coalition has contributed substantial efforts to sustain and improve the ESPA over the past few decades including through conjunctive administration, aquifer management, groundwater to surface water conversions, and managed recharge. The Coalition has a significant interest in future management of the ESPA and submits these comments on behalf of their respective irrigation projects.

Senate Concurrent Resolution No. 110:

The Legislature adopted Senate Concurrent Resolution (SCR) 110 during the 2025 first regular session. The resolution acknowledges the importance of the ESPA and its hydraulic connection to the Snake River, and how the Aquifer contributes to the water supplies for irrigated agriculture, aquaculture, hydropower, and other beneficial uses.

The resolution further highlights the recent *2024 Stipulated Mitigation Plan* entered into between the SWC and nine Ground Water Districts. The Legislature made the following findings critical for the Board’s revisions to the State Water Plan:

WHEREAS, increased aquifer recharge by the Idaho Water Resource Board is also needed to improve reach gains to the Snake River between Blackfoot and the Minidoka Dam, protect existing surface water and groundwater rights, and minimize harm to Idaho's economy arising from water supply shortages.

SCR 110 (emphasis added).

The Legislature's discussion about the state of the ESPA between 2015 and 2024, support for the 2024 Stipulated Plan, and the direction to improve reach gains in the Blackfoot to Minidoka stretch of the Snake River provide the background for the SWC comments to the Board's proposed changes to the State Water Plan.

As set forth in detail below, the SWC requests the Board include additional information and specifically identify and reference recent administrative developments in the plan to help guide future ESPA management by the Board.

Policy 4B: Snake River Milner Zero Minimum Flow

The Coalition supports the Board's proposed change increasing the average annual recharge goal from 250,000 acre-feet to 350,000 acre-feet. Consistent with SCR 110, the Board should also acknowledge and recognize the Legislature's specific focus to increase recharge to improve reach gains to the Snake River between Blackfoot and Minidoka Dam. The Board's implementation strategies and milestones for Policy 4B should include specific reference to increasing recharge to improve the referenced reach gains.

Policy 4D: Conjunctive Management of the ESPA and Snake River

The Coalition requests the Board's present policy to be revised as follows:

The Eastern Snake Plain Aquifer and the Snake River ~~below Milner Dam~~ should be conjunctively managed to provide a sustainable water supply for all existing and future beneficial uses within and hydraulically connected to ~~downstream of~~ the ESPA.

(proposed changes identified in strikethrough/underscore)

The policy, as currently written, only refers to the connection between the Aquifer and the Snake River "below Milner Dam." Since the river is also hydraulically connected above Milner Dam, and the Board has invested in extensive recharge programs to improve the Aquifer above Milner Dam, the Board should amend the policy accordingly. Further, the term "hydraulically connected" is a better description than "downstream" (a term more aligned with surface water).

Next, the Board's "discussion" section provides a general description of the ESPA with a focus on the Thousand Springs reach. The discussion section also references ESPA CAMP, which was completed in 2009, and then moves to SCR 110, that was passed in 2025. The

Board's policy and discussion should highlight the American Falls reach connection and specifically recognize important administrative developments that occurred between 2009 and 2025 concerning the state of the Aquifer.

First, the Director designated the ESPA as a groundwater management area in 2016. In that final order, the Director made the following observations:

From 1980 to 2013, ESPA storage declined by an even greater average of 260,000 AF annually demonstrating that declines in the aquifer are accelerating. ESPA storage and spring discharges have continued to decline since 2013. . . . While there have been brief periods of recovery (increased aquifer levels and spring discharges), the overall downward trend of decreasing ESPA storage and spring discharges has continued. . . . Each recovery peak is lower than the previous peak, and each declining trough is lower than the previous trough.

ESPA GWMA Order at 7-8, ¶¶ 23-24.

From 1958 through 2002 the total annual gains exceeded 1,600,000 AF. Since 2003, the annual reach gain has declined and in only one year, 2009, as the reach gain exceeded 1,600,000 AF.

Id. at 12-13, ¶ 29.

7. The record establishes that as a result of chronic declines in ESPA storage and spring discharges, in many years the ESPA ground water supply is not sufficient to satisfy senior priority water rights diverting from the ESPA and hydraulically connected sources unless ESPA withdrawals under junior priority ground water rights are curtailed, and/or the junior water right holders mitigate. The Director concludes that the ground water basin encompassing the ESPA may be approaching a condition of not having sufficient ground water to provide a reasonably safe supply for irrigation and other uses occurring within the basin at current rates of withdrawal. Idaho Code §§ 42-233b, 42-233a.

ESPA GWMA Order at 19, ¶ 7.

11. The Director concludes that designating a ground water management area for the ESPA is consistent with, if not required by, the Director's duties under the Ground Water Act. The Director in an exercise of his authority and discretion under Idaho Code § 42-233b will therefore designate a ground water management area for the ESPA.

Id. at 20, ¶ 11.

Following the designation of the GWMA in 2016, the Director issued an updated moratorium order in October 2022 and the *Amended Snake River Basin Moratorium* in July 2024. In that order the Director specifically referenced the need to protect water supplies in the Snake River Basin above Milner Dam:

Declining water supplies in the Snake River Basin above Milner Dam have prompted delivery calls and additional demands for water administration from holders of senior water rights. A variety of administration activities and judicial decisions have resulted in (a) expanding administration of existing ground water and surface water rights, (b) the periodic enjoinder of new water appropriations, and (c) greater scrutiny of new water right applications resulting in near cessation of new appropriations. The need to protect existing water rights justifies the reestablishment of a moratorium upstream from Milner Dam.

Amended Moratorium at 6.

69. Ground water pumping from the ESPA, and from aquifers tributary to the ESPA, including perched aquifers, depletes the flow in the Snake River, both upstream and downstream from Milner Dam. An assessment by the Idaho Water Resources Research Institute notes: “Every acre-foot of water consumptively used in basins tributary to the Snake River ultimately reduces the flow of the Snake River.” New consumptive uses of ground water from the ESPA and tributary aquifers will further deplete the flow in the Snake River.

Id. at 23.

The ESPA is a vital source of water for the State of Idaho. Approximately one million acres of land on the Snake River Plain are irrigated by ground water pumped directly from the ESPA. The ESPA is hydraulically connected to the Snake River and indirectly supports surface water irrigation of roughly another million acres. ESPA-supported agriculture is crucial to Idaho’s food supply and to the economies of communities across southern Idaho. As discussed in Finding of Fact 5, there has been a long-term declining trend in ESPA ground water levels and the volume of water in aquifer storage. While there have been brief periods of recovery, the overall downward trend has continued unabated.

Amended Moratorium at 27.

Despite these management strategies, (1) declines in ESPA water levels, (2) ongoing declines in water level trends in aquifers tributary to the ESPA and Snake River, (3) reductions in the Adjusted Average Daily Flow of the Snake River at the Murphy Gage approaching the protected flow rates, and (4) the impacts of Trust Water Right appropriations not yet fully realized in the Snake River, all signal that new appropriations for consumptive use cannot be approved without injury to existing Snake River water rights, including the decreed minimum stream flow water rights quantified at Murphy Gage.

Id. at 28.

15. The Department should establish a moratorium on the issuance of permits to divert and use surface or ground water from the Snake River Basin upstream from Milner Dam in the non-trust water area for new consumptive uses to protect existing vested water rights and to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, in the non-trust water area.

Id. at 32.

IT IS FURTHER ORDERED that this moratorium order suspends further action on the processing and approval of presently pending and new applications for permits to appropriate water from the Snake River upstream from Swan Falls Dam and all surface and ground water sources in the trust water area and the non-trust water area, subject to the following provisions: . . .

Id. at 33.

Although the Board and other water users have undertaken significant actions over the last decade to improve the ESPA and hydraulically connected reach gains and spring discharges, ground water level trends have not improved. Further, according to recent presentations made by staff at the Aquifer Stabilization subcommittee meeting held on September 10, 2025, despite 5-year average mitigation actions totaling between 410,000 acre-feet and 693,000 acre-feet, total aquifer storage only increased by 500,000 acre-feet between 2015 to 2025, and the 2024 annual reach gain value for the near Blackfoot to Minidoka reach is close to or below the 2015 value. Moreover, monthly reach gains in this area of the Snake River remain well below the 1980-2024 median. Consequently, the Coalition urges the Board to recognize the Director's data and actions and identify and implement a focused strategy for increased recharge to improve reach gains in the Near Blackfoot to Minidoka reach of the Snake River.

Finally, this past spring the Director initiated proposed actions to expand the ESPA Area of Common Ground Water Supply in five tributary basins (Raft River, Portneuf, Little Lost, Big Lost, and American Falls). In response to legislation codified at Idaho Code § 42-233c(2), the Director held a number of public hearings in these basins and concluded that "consumptive use of ground water and surface water in basins tributary to the ESPA reduces inflow to the ESPA and Snake River and therefore, reduces the water supply needed by senior surface water users reliant on the Snake River and springs emerging from the ESPA." *See Notice of Proposed Action, Public Hearing and Written Comment Period (In the Matter of the Proposed Expansion of the Eastern Snake Plain Aquifer Area of Common Ground Water Supply to Include the American Falls Tributary Basin).*

The above-referenced administrative actions should be included in the Board's discussion for purposes of describing the most up to date status of the Aquifer. Moreover, the Board should highlight the need to increase recharge to increase reach gains in the Near Blackfoot to Minidoka reach as required by SCR 110. Including the historical graph for the Blackfoot to Minidoka reach

gains would provide the same historic context for reaches above Milner as the above description of Thousand springs history.

The Coalition further requests the Board to consider adding the following to Policy 4D

Implementation Strategies:

Assist in implementing the ESPA Groundwater Management Plan developed by IDWR

Create a working group to evaluate and monitor reach gains in the Near Blackfoot to Minidoka reach and recommend strategies to sustain and improve flows

Milestones:

ESPA Groundwater Management Plan goals achieved

Existing water rights satisfied by ground and surface water supplies

Prevention of any further aquifer or Snake River Near Blackfoot to Minidoka reach gain declines

Policy 4E – Snake River Basin New Storage

The Coalition supports the Board’s policy to investigate and explore new storage projects in the Upper Snake River Basin, including managed aquifer recharge projects. The Board should include a reference to the proposed Basin Study for the entire Upper Snake River Basin to be completed by the U.S. Bureau of Reclamation. The Coalition further seeks additional Board support for the Minidoka Dam Enlargement. The Board should update the implementation strategies to: 1) Participate with and complete the USBR Basin Study; 2) Continue to evaluate the feasibility of the Minidoka Dam raise.

ESPA CAMP Changes

The Coalition supports the Board’s change to increase managed aquifer recharge to 350,000 acre-feet. The Board should further increase the long-term hydrologic target to 700,000 acre-feet. As shown by recent presentations to the Board, an annual aquifer change of at least 700,000 acre-feet is necessary to maintain aquifer levels and connected springs flows and reach gains.

The Coalition appreciates the Board’s continued commitment to sustaining and improving water supply conditions in the ESPA. The Coalition submits the above comments for the Board’s consideration into final amendments to the SWP.



September 9, 2025

Jeff Raybould, Chairman
Idaho Water Resource Board
322 E Front Street
Boise, ID 83720-0098
Sent via email to SWP@idwr.idaho.gov

Subject: State Water Plan Revisions - Elmore County Comments

Dear Chairman Raybould,

Elmore County appreciates the opportunity to provide comment for updates of the 2012 State Water Plan as it pertains to the Snake River Basin. We understand that specific policies to be updated are 4B (Milner Zero Minimum Flow), 4D (Conjunctive Management), and 4E (New Storage). Ultimately, the County is requesting IWRB to revise the State Water Plan to explicitly recognize soft conversions within the Mountain Home Ground Water Management Area and Cinder Cone Butte Critical Ground Water Area using appropriated Snake River trust water as being in the public interest. To the extent this request is more relevant to policies 4C (Reallocation of Trust Water), 4F (Agriculture), 4G (DCMI), and 4H (Hydropower), the County hopes IWRB will consider updating those policies, as well. There are many inter-related issues among the ten separate Snake River Basin policies in the 2012 State Water Plan, making it difficult to comment on one particular policy to the exclusion of others.

The 2012 State Water Plan provides a framework for water management within the Snake River Basin. This framework is centered on maintaining minimum streamflow at the Murphy gage as mandated by the Swan Falls Agreement while providing for reallocation of Snake River trust water upstream of Swan Falls. The 2012 Plan also recognized the need for conjunctive management of the ESPA and Snake River and advocated for development of new storage and supplemental irrigation water supplies. The plan further recognizes the value of hydropower, navigation, recreation and wildlife.

For the past decade, the Elmore County Board of Commissioners has successfully worked with the Idaho Water Resource Board and Idaho Department of Water Resources to address water supply challenges within the County. These challenges are primarily related to overallocation of groundwater supplies from the Mountain Home Plateau Aquifer. State funded projects have included the Mountain Home Air Force Base water supply project, a 2017 water study, 2019 aquifer recharge site improvements, and on-going development of the Western Snake Plain Aquifer Model. These projects all seek to address the current aquifer overdraft (estimated at more than 30,000 af/yr) and associated groundwater level decline.

One solution to the Mountain Home Plateau Aquifer overdraft is to use surface water as a supplemental supply for groundwater irrigated lands. So-called “soft conversions” allow surface water to be used in lieu of groundwater, thereby reducing annual groundwater pumping. In soft conversions, groundwater sources can continue to be available for use at times when surface water is unavailable due to priority cuts. The Snake River is an obvious source for supplemental irrigation and soft conversion, with more than 2.5 million acre feet of unappropriated trust water available annually (2005-2024). In Elmore County, more than 6,000 acres irrigated exclusively

with groundwater are located within 7 miles of the Snake River. These lands could be supplied with Snake River water through a combination of existing and new infrastructure. Such conversions would significantly reduce the groundwater deficit while maintaining the agricultural base within the county.

Reallocation of Snake River water for municipal, industrial and aquifer recharge purposes could also be important to Elmore County. Municipal use of Snake River water is under development at Mountain Home Air Force Base, and industrial projects could be developed in the future. Elmore County is currently seeking Snake River water for aquifer recharge, although soft conversions are more cost efficient (i.e., the water does not have to be pumped twice) and conversions have less potential for groundwater quality impacts.

The importance of the Snake River for hydropower and the impacts to hydropower from trust water reallocation are recognized by the State Water Plan. What should also be recognized is that the Snake River trust water reallocation impacts are offset by energy projects developed in Elmore County over the past 20 years. Power generated from gas, solar, and wind on the Mountain Home Plateau far outstrip the hydropower reduction that could occur from reallocation of trust water for soft conversions in Elmore County.

The amended Snake River Moratorium Order of October 21, 2022, expanded the Snake River Moratorium area to include the Snake River in Elmore County downstream from King Hill. Although this is an impediment to development of Snake River supplies for supplemental irrigation, the Order explicitly allows for approval on a case-by-case basis of applications where *“The Director determines that the development and use of the water pursuant to an application will have no effect on prior surface and ground water rights because of its timing, location, insignificant consumption of water, or mitigation provided by the applicant to offset injury to other water rights. For example, the Director may consider applications proposing to appropriate surface water from the Snake River or its surface water tributaries...when flows at the USGS gaging station on the Snake River near Murphy exceed the decreed minimum stream flow water rights.”* Direct pumping from the Snake River in Elmore County can be managed to not impair minimum stream flow water rights at Murphy and Weiser. Although the state and water users continue to struggle with conjunctive management of Eastern Snake River Plain groundwater and the impacts of groundwater pumping on flows in the Snake River and tributary springs, there is no struggle or mystery about direct diversions from the Snake River downstream of King Hill. Diversions from the Snake River of reallocated trust water can be accomplished without threat to minimum flows because Snake River diversions can be regulated on an immediate basis. There is an established water district, a watermaster, and real-time gaging of stream flow and regulation of diversions. Unlike groundwater rights where impacts to the river take years to develop, and curtailment provides no immediate benefit to stream flow, a water right diverting from the Snake River can be curtailed as needed, and when needed, to protect minimum flows.

Reallocation of trust water for direct diversion from the Snake River for irrigation purposes is not in conflict with the 2012 State water plan. Because flows can be curtailed in real time, minimum

flows can be protected (Policy 4A). Reallocation of trust water as a supplemental irrigation source is in the public interest (Policy 4F).

Reallocation of trust water for irrigation purposes from the Snake River can also be accomplished in conformance with the following criteria from IC 42-203C(2):

- (i) The potential benefits, both direct and indirect, that the proposed use would provide to the state and local economy;
- (ii) The economic impact the proposed use would have upon electric utility rates in the state of Idaho, and the availability, foreseeability and cost of alternative energy sources to ameliorate such impact;
- (iii) The promotion of the family farming tradition;
- (iv) The promotion of full economic and multiple use development of the water resources of the state of Idaho;
- (v) In the Snake River Basin above the Murphy gauge whether the proposed development conforms to a staged development policy of up to twenty thousand (20,000) acres per year or eighty thousand (80,000) acres in any four (4) year period.

Given the availability of Snake River water to solve the groundwater overdraft problem on the Mountain Home Plateau, we ask that the revised State Water Plan explicitly recognize soft conversions within the Mountain Home Ground Water Management Area and Cinder Cone Butte Critical Ground Water Area using appropriated Snake River trust water as being in the public interest.

Sincerely,

HDR Engineering, Inc.



Terry M. Scanlan, P.E., P.G.

Principal Engineer

Consultant to Elmore County Board of Commissioners

Cc: Bud Corbus – Elmore County Board of Commissioners
Dylan Lawrence – Varin Thomas LLC

Memorandum



To: Idaho Water Resource Board
From: Neeley Miller, Planning & Projects Bureau
Date: October 30, 2025
Re: American River Stream Alteration Permit Approval

Action: Consider resolution to provide approval for projects to proceed

Background

The South Fork Basin Comprehensive Basin Plan ("Plan") was adopted by the Idaho Water Resource Board (IWRB) in 1994 and approved by the legislature in 1995. The plan designates from the headwaters of the American River to the confluence with the South Fork Clearwater as a Recreational River to protect the public interest, current resource use, and the multiple-use character of the basin.

The plan prohibits the following activities on all streams designated as recreational rivers:

- Construction or expansion of dams or impoundments;
- Construction of hydropower projects;
- Construction of diversion works;
- Dredge or placer mining (except where allowed through permit);
- Mineral or sand and gravel extraction within the stream channel;
- Alterations of the stream channel except for channel reconstruction projects provided with approval from the IWRB.

Proposed Alteration (Maushak Permit #S82-20206, Frantz Permit #S82-20207)

The Idaho Department of Water Resources (IDWR) was notified of potential alterations to the American River in the summer of 2023. IDWR was unable to find any permit approvals for work along the American River. IDWR conducted a site inspection from public land in the summer of 2023 and confirmed Mr. and Mrs. Maushak and Mr. and Mrs. Frantz had altered the American River below the Mean High-Water Mark (MHWM). IDWR sent Notice of Violations to both property owners in early 2025 instructing the landowners to cease and desist any further work below the MHWM and to contact the Department to schedule a site inspection. IDWR conducted a site inspection in May 2025 and concluded work was done without permits. IDWR held separate compliance conferences with both parties, and each signed a Consent Order and Agreement (COA). A term of the COA was to submit a Joint Application for Permits that proposed a plan to remove all unauthorized material below the MHWM and restore the bed and banks of the American River. The restoration plan was required to incorporate bioengineering techniques, prioritizing the use of large wood, and minimize the use of rock. The disturbed areas were also to be heavily planted with native woody vegetation. Both

property owners have submitted plans to meet the terms of the COA, and we are continuing to refine the design to meet IDWR objectives as well as other Federal requirements.

IDWR Stream Channel Alternation staff have reviewed the proposed project and have indicated they will likely issue permits for these projects pending IWRB approval. IWRB staff recommend approval for these projects to proceed.

Attachment(s):

Stream Channel Permits S82-20206 and S82-20207
Resolution

BEFORE THE IDAHO WATER RESOURCE BOARD

IN THE MATTER OF THE SOUTH FORK
CLEARWATER STREAM CHANNEL
ALTERATION PERMIT No. S82-20206 and No.
S82-20207

RESOLUTION TO APPROVE STREAM
CHANNEL ALTERATIONS

1 WHEREAS, in 1994 the Idaho Water Resource Board (IWRB) adopted the South Fork
2 Clearwater Comprehensive Basin Plan (Plan) and the Plan specifies that alterations to stream
3 channel for new private stream access facilities may be allowed with approval by the Idaho Water
4 Resource Board; and

5
6 WHEREAS, The Idaho Department of Water Resources (IDWR) was notified of potential
7 alterations to the American River in the summer of 2023. IDWR was unable to find any permit
8 approvals for work along the American River; and

9
10 WHEREAS, IDWR sent Notice of Violations to both property owners (Mr. and Mrs.
11 Maushak and Mr. and Mrs. Frantz) in early 2025 instructing the landowners to cease and desist
12 any further work below the MHWM. IDWR held separate compliance conferences with both
13 parties, and each signed a Consent Order and Agreement (COA). A term of the COA was to
14 submit a Joint Application for Permits that proposed a plan to remove all unauthorized material
15 below the MHWM and restore the bed and banks of the American River. Both property owners
16 have submitted a Joint Application for Permit to Alter a Stream Channel (S82-20206 and No.
17 S82-20207) to the IDWR and plans to meet the terms of the COA, and are continuing to refine
18 the design to meet IDWR objectives as well as other Federal requirements; and

19
20 WHEREAS, IDWR Stream Channel Alteration staff have reviewed the project and have
21 indicated they will issue the permit for the project pending IWRB approval; and

22
23 NOW THEREFORE BE IT RESOLVED that the Board hereby approves the Mr. and
24 Mrs. Maushak and Mr. and Mrs. Frantz projects as filed with the Department through Permit
25 No. S82-20206 and No. S82-20207.

26

DATED this 21st day of November 2025.

Jeff Raybould, Chairman
Idaho Water Resource Board

ATTEST _____
Dean Stevenson, Secretary

Resolution No. _____

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8½"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY									
USACE NWW-		Date Received:		☐ Incomplete Application Returned		Date Returned:			
Idaho Department of Water Resources No.		Date Received:		☐ Fee Received DATE:		Receipt No.:			
Idaho Department of Lands No.		Date Received:		☐ Fee Received DATE:		Receipt No.:			
INCOMPLETE APPLICANTS MAY NOT BE PROCESSED									
1. CONTACT INFORMATION - APPLICANT Required:					2. CONTACT INFORMATION - AGENT:				
Name: Jesse & Michelle Maushak					Name:				
Company:					Company:				
Mailing Address: PO Box 268					Mailing Address:				
City: Grangeville		State: ID	Zip Code: 83530		City:		State:	Zip Code:	
Phone Number (include area code): 208-507-0991		E-mail: maushaks@gmail.com			Phone Number (include area code):		E-mail:		
3. PROJECT NAME or TITLE:					4. PROJECT STREET ADDRESS:				
5. PROJECT COUNTY: Idaho		6. PROJECT CITY: Elk City			7. PROJECT ZIP CODE: 83525		8. NEAREST WATERWAY/WATERBODY: American River		
9. TAX PARCEL ID#: RP02842000001AA		10. LATITUDE: 45.817390		11a. 1/4:		11b. 1/4:		11c. SECTION: 27	
		LONGITUDE: -115.458176				11d. TOWNSHIP: 29		11e. RANGE: 8E	
12a. ESTIMATED START DATE: 07/15/2025		12b. ESTIMATED END DATE: 08/15/2025			13a. IS PROJECT LOCATED WITHIN ESTABLISHED TRIBAL RESERVATION BOUNDARIES? ☒ NO ☐ YES Tribe:				
13b. IS PROJECT LOCATED IN LISTED ESA AREA? ☒ NO ☒ YES					13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? ☒ NO ☐ YES				
14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks. From Highway 14 past mile marker 48, turn east on Rivers Edge, 1st driveway on the right									
15. PURPOSE and NEED: ☐ Commercial ☐ Industrial ☐ Public ☒ Private ☐ Other Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project. Stabilize the bank									

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

1. Remove existing rock that has settled below the water line. If some of the existing rocks are settled deep enough those could be used to create and build a "Toe" to off of.
2. Install a large log for the rest of it to start building off of.
3. Slope bank back to a gradual angle. The material from the slope will be piled for landscpaing away from the stream on other parts of the property.
4. Dig in an angled rock toe at the head of the wall.
5. Stack rocks back on top of the newly created bank using recomendated sizing specs as per examples provided.
6. Plant native tree and shrub species between newly placed rocks.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

After "toes" are placed the rest of the work will be above the high water mark. The material removed will be placed far away enough from the stream to ensure additional erosion doesn't occur. The machines used will be inspected for leaks prior to work and during the process. Only the bucket of the machine will be in the water throughout the repairs, we will make sure no debris is on the bucket before entering the water.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

We intend to follow the guidelines discussed with IDWR and Cass Jones. We will start and complete the work in the recommended time slot to ensure water is at its lowest level and the fish species of concern are not present.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: _____ 0 cubic yards
Dredged Material: _____ 0 cubic yards
Clean Sand: _____ 0 cubic yards
Clay: _____ 0 cubic yards
Gravel, Rock, or Stone: _____ 50 cubic yards
Concrete: _____ 0 cubic yards
Other (describe): _____ : _____ cubic yards
Other (describe): _____ : _____ cubic yards

TOTAL: _____ 50 cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: _____ acres _____ sq ft. _____ cubic yards
Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards
Land Clearing: _____ acres _____ sq ft. _____ cubic yards
Dredging: _____ acres _____ sq ft. _____ cubic yards
Flooding: _____ acres _____ sq ft. _____ cubic yards
Excavation: _____ acres _____ 1000 sq ft. _____ 100 cubic yards
Draining: _____ acres _____ sq ft. _____ cubic yards
Other: WW Logs _____ : _____ acres _____ 150 sq ft. _____ cubic yards

TOTALS: _____ acres _____ 1150 sq ft. _____ 100 cubic yards

Rock bank was placed above high water mark and have since eroded below the high water mark and slid below the water line.

23. ☐ YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? ☒ NO ☐ YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

26b. BEST MANAGEMENT PRACTICES (BMPs): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality

Work below high water mark will only be done if deemed necessary to ensure a stable toe foundation to start new work from.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
Bank disturbance	AmericanRiver		6x75 feet	75
TOTAL STREAM IMPACTS (Linear Feet):				75
28. LIST EACH WETLAND IMPACT include mechanized clearing, fill excavation, flood, drainage, etc. Attach site map with each impact location.				
Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft
TOTAL WETLAND IMPACTS (Square Feet):				

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT: Provide contact information of ALL adjacent property owners below.

Name:
Brett Frantz

Mailing Address:
PO Box 276

City: Elk City State: ID Zip Code: 83525

Phone Number (include area code): E-mail:

Name:
Lyle Rowan

Mailing Address:
241 Poor Farm Rd

City: Grangeville State: ID Zip Code: 83530

Phone Number (include area code): E-mail:

Name:

Mailing Address:

City: State: Zip Code:

Phone Number (include area code): E-mail:

Name:

Mailing Address:

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Phone Number (include area code): E-mail:

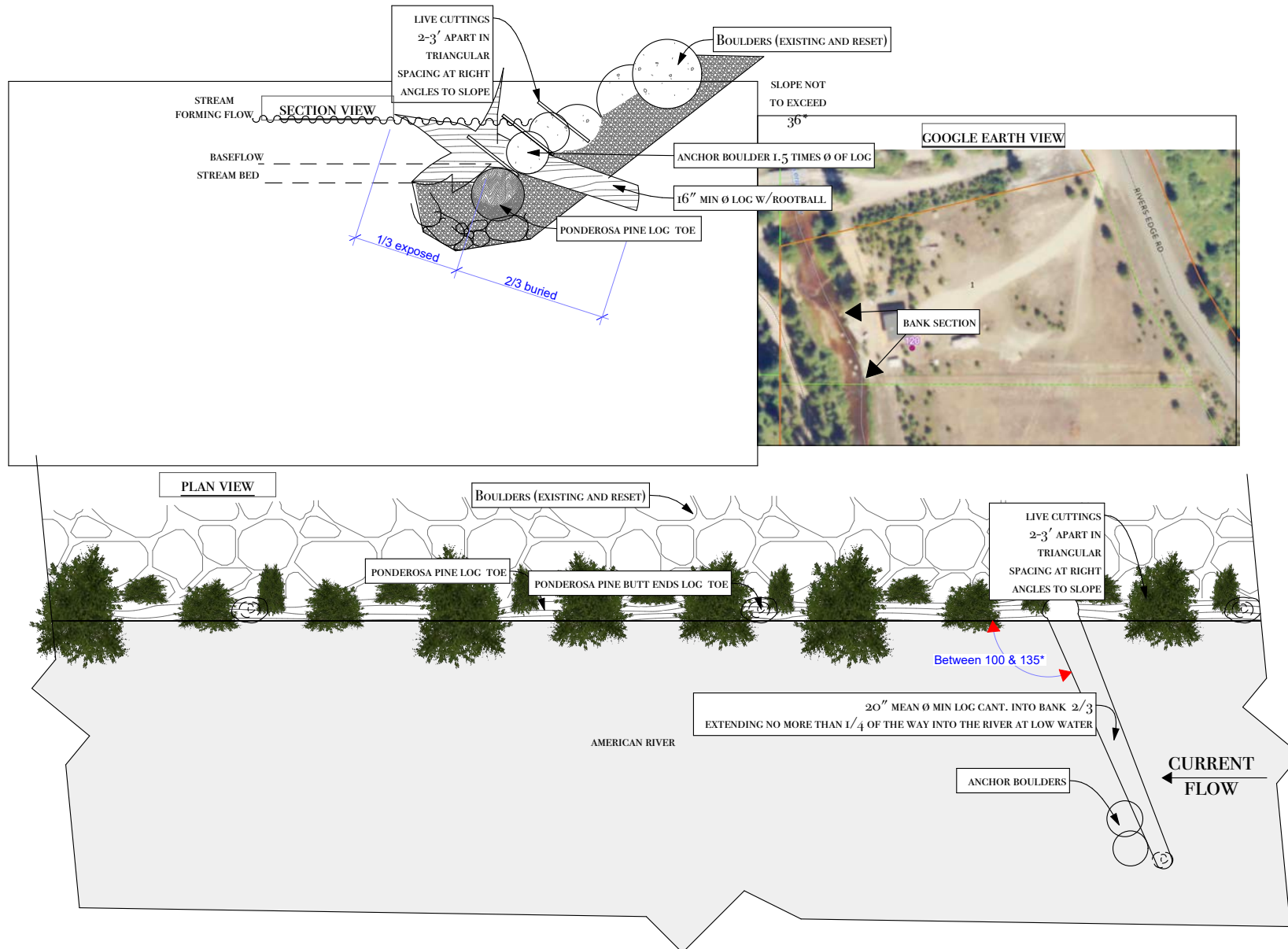
30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

Signature of Applicant: Jesse Maushak Date: 4/29/2025

Signature of Agent: _____ Date: _____

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".



JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS - IDAHO DEPARTMENT OF WATER RESOURCES - IDAHO DEPARTMENT OF LANDS

Authorities: The Department of Army Corps of Engineers (Corps), Idaho Department of Water Resources (IDWR), and Idaho Department of Lands (IDL) established a joint process for activities impacting jurisdictional waterways that require review and/or approval of both the Corps and State of Idaho. Department of Army permits are required by Section 10 of the Rivers & Harbors Act of 1899 for any structure(s) or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for the discharge of dredged or fill materials into waters of the United States, including adjacent wetlands. State permits are required under the State of Idaho, Stream Protection Act (Title 42, Chapter 38, Idaho Code and Lake Protection Act (Section 58, Chapter 13 et seq., Idaho Code). In addition the information will be used to determine compliance with Section 401 of the Clean Water Act by the appropriate State, Tribal or Federal entity.

Joint Application: Information provided on this application will be used in evaluating the proposed activities. Disclosure of requested information is voluntary. Failure to supply the requested information may delay processing and issuance of the appropriate permit or authorization. **Applicant will need to send a completed application, along with one (1) set of legible, black and white (8 1/2"x11"), reproducible drawings that illustrate the location and character of the proposed project / activities to both the Corps and the State of Idaho.**

See Instruction Guide for assistance with Application. Accurate submission of requested information can prevent delays in reviewing and permitting your application. Drawings including vicinity maps, plan-view and section-view drawings must be submitted on 8-1/2 x 11 papers.

Do not start work until you have received all required permits from both the Corps and the State of Idaho

FOR AGENCY USE ONLY

USACE NWW-	Date Received:	☐ Incomplete Application Returned	Date Returned:
Idaho Department of Water Resources No. 582-20207	Date Received: 4.8.25	☐ Fee Received DATE: 4.8.25	Receipt No.: C120739
Idaho Department of Lands No.	Date Received:	☐ Fee Received DATE:	Receipt No.:

INCOMPLETE APPLICANTS MAY NOT BE PROCESSED

1. CONTACT INFORMATION - APPLICANT Required:		2. CONTACT INFORMATION - AGENT:	
Name: Brett Frantz		Name: RECEIVED	
Company:		Company: APR 08 2025	
Mailing Address: P.O. Box 276		Mailing Address: DEPT. OF WATER RESOURCES	
City: EIK City	State: ID	Zip Code: 83525	
Phone Number (include area code): 208-842-2616	E-mail: bpgfrantz@hotmail.com	Phone Number (include area code):	E-mail:
3. PROJECT NAME or TITLE: 134 American River		4. PROJECT STREET ADDRESS: 134 Rivers Edge Rd.	
5. PROJECT COUNTY: Idaho	6. PROJECT CITY: EIK City	7. PROJECT ZIP CODE: 83525	8. NEAREST WATERWAY/WATERBODY: American River
9. TAX PARCEL ID#: RP02842000003AA	10. LATITUDE: 45.8 LONGITUDE: -115.1337	11a. 1/4: 27	11b. 1/4: 34
12a. ESTIMATED START DATE: JUNE 2025	12b. ESTIMATED END DATE: Nov. 2025	11c. SECTION: 27	11d. TOWNSHIP: 29
13b. IS PROJECT LOCATED IN LISTED ESA AREA? ☒ NO ☐ YES		13c. IS PROJECT LOCATED ON/NEAR HISTORICAL SITE? ☒ NO ☐ YES	

14. DIRECTIONS TO PROJECT SITE: Include vicinity map with legible crossroads, street numbers, names, landmarks.
First Right after mile marker 48 on Hwy 14 which is Rivers Edge Road. Second house on Right side of Road, Green house Red Metal Roof.

15. PURPOSE and NEED: ☐ Commercial ☐ Industrial ☐ Public ☒ Private ☐ Other

Describe the reason or purpose of your project; include a brief description of the overall project. Continue to Block 16 to detail each work activity and overall project.
Reason For Work was to stop bank erosion. And have access to River.

16. DETAILED DESCRIPTION OF EACH ACTIVITY WITHIN OVERALL PROJECT. Specifically indicate portions that take place within waters of the United States, including wetlands: Include dimensions; equipment, construction, methods; erosion, sediment and turbidity controls; hydrological changes: general stream/surface water flows, estimated winter/summer flows; borrow sources, disposal locations etc.:

Removed old dredge tailing of sand, rock and gravel. Also old Road embankment. Used Track hoe to remove. Angled slope back 45' and Installed boulders. Terraced for Steps.

17. DESCRIBE ALTERNATIVES CONSIDERED to AVOID or MEASURES TAKEN to MINIMIZE and/ or COMPENSATE for IMPACTS to WATERS of the UNITED STATES, INCLUDING WETLANDS: See Instruction Guide for specific details.

Stayed away from OHWM with equipment and Rip Rap Rocks 5' feet. Equipment never touch River or vegetation.

18. PROPOSED MITIGATION STATEMENT or PLAN: If you believe a mitigation plan is not needed, provide a statement and your reasoning why a mitigation plan is NOT required. Or, attach a copy of your proposed mitigation plan.

19. TYPE and QUANTITY of MATERIAL(S) to be discharged below the ordinary high water mark and/or wetlands:

Dirt or Topsoil: _____ cubic yards
Dredged Material: _____ cubic yards
Clean Sand: _____ cubic yards
Clay: _____ cubic yards
Gravel, Rock, or Stone: 3 cubic yards
Concrete: _____ cubic yards
Other (describe): _____ : _____ cubic yards
Other (describe): _____ : _____ cubic yards

TOTAL: _____ cubic yards

20. TYPE and QUANTITY of impacts to waters of the United States, including wetlands:

Filling: _____ acres _____ sq ft. _____ cubic yards
Backfill & Bedding: _____ acres _____ sq ft. _____ cubic yards
Land Clearing: _____ acres _____ sq ft. _____ cubic yards
Dredging: _____ acres _____ sq ft. _____ cubic yards
Flooding: _____ acres _____ sq ft. _____ cubic yards
Excavation: _____ acres _____ sq ft. _____ cubic yards
Draining: _____ acres _____ sq ft. _____ cubic yards
Other: _____ : _____ acres _____ sq ft. _____ cubic yards

TOTALS: _____ acres _____ sq ft. _____ cubic yards

21. HAVE ANY WORK ACTIVITIES STARTED ON THIS PROJECT? ☐ NO ☒ YES If yes, describe ALL work that has occurred including dates.
Improvement to bank on East side. Place Rocks to Stop erosion of bank. 8/22 Placed Rocks

22. LIST ALL PREVIOUSLY ISSUED PERMIT AUTHORIZATIONS:

23. ☐ YES, Alteration(s) are located on Public Trust Lands, Administered by Idaho Department of Lands

24. SIZE AND FLOW CAPACITY OF BRIDGE/CULVERT and DRAINAGE AREA SERVED: _____ Square Miles

25. IS PROJECT LOCATED IN A MAPPED FLOODWAY? ☐ NO ☐ YES If yes, contact the floodplain administrator in the local government jurisdiction in which the project is located. A Floodplain Development permit and a No-rise Certification may be required.

26a. WATER QUALITY CERTIFICATION: Pursuant to the Clean Water Act, anyone who wishes to discharge dredge or fill material into the waters of the United States, either on private or public property, must obtain a Section 401 Water Quality Certification (WQC) from the appropriate water quality certifying government entity.
See Instruction Guide for further clarification and all contact information.

The following information is requested by IDEQ and/or EPA concerning the proposed impacts to water quality and anti-degradation:

☐ NO ☒ YES Is applicant willing to assume that the affected waterbody is high quality?
☒ NO ☐ YES Does applicant have water quality data relevant to determining whether the affected waterbody is high quality or not?
☒ NO ☐ YES Is the applicant willing to collect the data needed to determine whether the affected waterbody is high quality or not?

26b. BEST MANAGEMENT PRACTICES (BMP's): List the Best Management Practices and describe these practices that you will use to minimize impacts on water quality and anti-degradation of water quality. All feasible alternatives should be considered - treatment or otherwise. Select an alternative which will minimize degrading water quality
Will be done during summer flows 7/15 - 8/15

Through the 401 Certification process, water quality certification will stipulate minimum management practices needed to prevent degradation.

27. LIST EACH IMPACT to stream, river, lake, reservoir, including shoreline: Attach site map with each impact location.

Activity	Name of Water Body	Intermittent Perennial	Description of Impact and Dimensions	Impact Length Linear Feet
<i>rip rap</i>	<i>American River</i>	<i>P.</i>	<i>17-feet of rip rap</i>	<i>17-feet</i>
TOTAL STREAM IMPACTS (Linear Feet):				

28. LIST EACH WETLAND IMPACT include mechanized clearing, fill, excavation, flood, drainage, etc. Attach site map with each impact location.

Activity	Wetland Type: Emergent, Forested, Scrub/Shrub	Distance to Water Body (linear ft)	Description of Impact Purpose: road crossing, compound, culvert, etc.	Impact Length (acres, square ft linear ft)
TOTAL WETLAND IMPACTS (Square Feet):				

29. ADJACENT PROPERTY OWNERS NOTIFICATION REQUIREMENT: Provide contact information of ALL adjacent property owners below.

Name: <u>Jessie Maushak</u> Mailing Address: <u>120 Rivers Edge Rd.</u> City: <u>Eik City</u> State: <u>ID</u> Zip Code: <u>83525</u> Phone Number (include area code): <u>360-319-1067</u> E-mail: _____	Name: <u>BRAD Blackburn</u> Mailing Address: <u>164 Rivers Edge Rd.</u> City: <u>Eik City</u> State: <u>ID</u> Zip Code: <u>83525</u> Phone Number (include area code): <u>509-301-5355</u> E-mail: _____
Name: <u>BLM</u> Mailing Address: _____ City: <u>Boise</u> State: <u>ID</u> Zip Code: _____ Phone Number (include area code): _____ E-mail: _____	Name: _____ Mailing Address: _____ City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____
Name: _____ Mailing Address: _____ City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____	Name: _____ Mailing Address: _____ City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____
Name: _____ Mailing Address: _____ City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____	Name: _____ Mailing Address: _____ City: _____ State: _____ Zip Code: _____ Phone Number (include area code): _____ E-mail: _____

30. SIGNATURES: STATEMENT OF AUTHORIZATION / CERTIFICATION OF AGENT / ACCESS

Application is hereby made for permit, or permits, to authorize the work described in this application and all supporting documentation. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein; or am acting as the duly authorized agent of the applicant (Block 2). I hereby grant the agencies to which this application is made, the right to access/come upon the above-described location(s) to inspect the proposed and completed work/activities.

Signature of Applicant: _____

Date: 4/2/25

Signature of Agent: _____

Date: _____

This application must be signed by the person who desires to undertake the proposed activity AND signed by a duly authorized agent (see Block 1, 2, 30). Further, 18 USC Section 1001 provides that: "Whoever, in any manner within the jurisdiction of any department of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both".

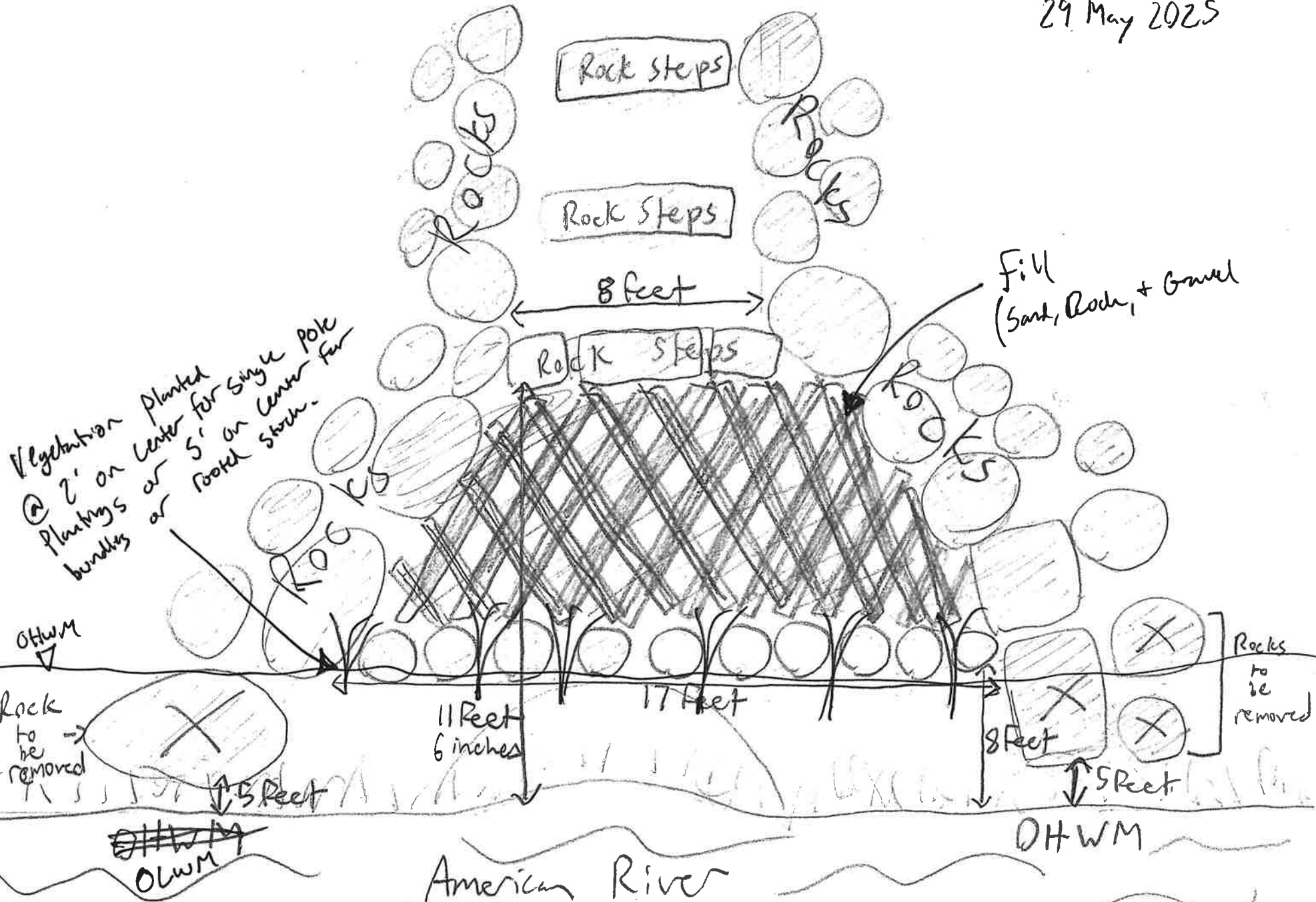
11% grading from steps back to river

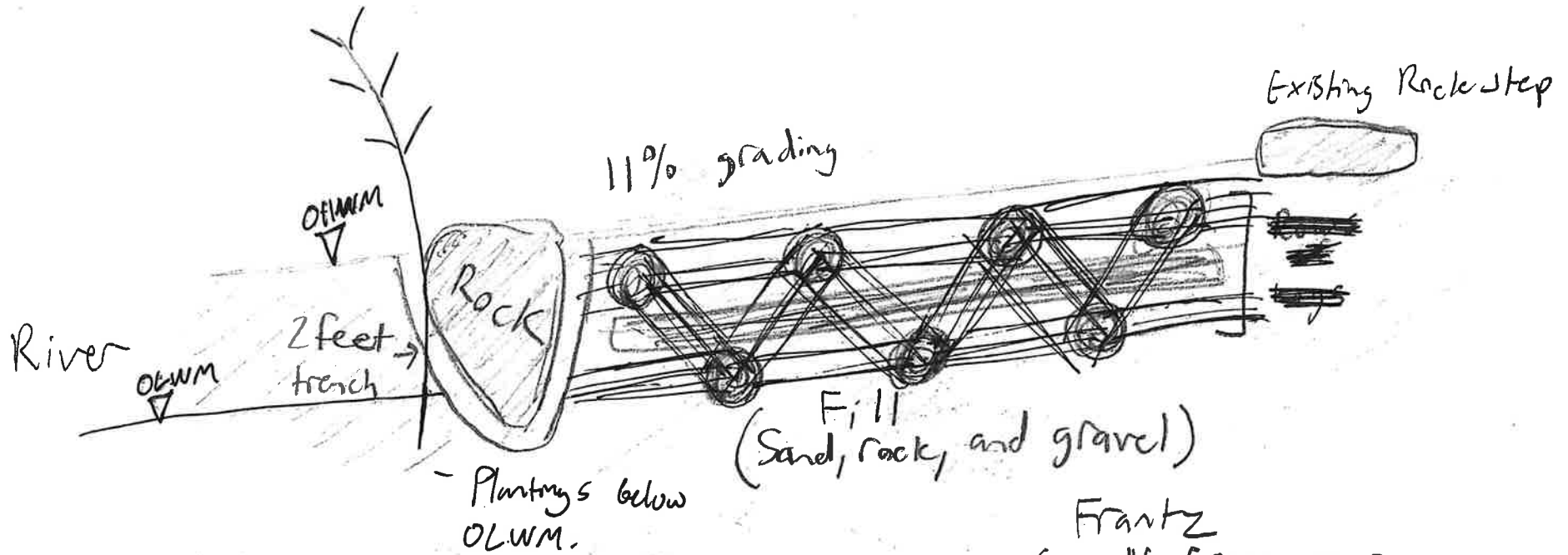
Frantz

Case No. E2025-2955

Alteration to American River

29 May 2025





Frantz
Case No. E2025-2955
Alteration to American River
29 May 2025

Memorandum



To: Idaho Water Resource Board

From: Neeley Miller, Planning & Projects Bureau

Date: October 30, 2025

Re: South Fork Snake River Comprehensive Basin Plan – Dredging issue/new EA

No action requested at this time

The South Fork Snake River Basin Comprehensive Basin Plan ("Plan") was adopted by the Idaho Water Resource Board (IWRB) in 1996 and approved by the legislature in 1997. The plan designates McCoy Creek from its headwaters to the backwater of Palisades Reservoir as a Recreational River to protect the public interest, current resource use, and the multiple-use character of the basin.

The plan prohibits dredging or placer mining activities on recreational rivers in the basin with the following exception:

- Stream channel alterations for recreational dredge mining may continue on McCoy Creek from the headwaters to Fish Creek confluence, and on the following perennial tributaries: City Creek, Camp Creek, Miners Delight Creek and Iowa Creek. This activity is allowed as currently regulated by the Caribou National Forest through a Special Use Permit issued according to the guidelines established in the "Environmental Assessment for Small Placer Mining Operations in the Caribou Basin Area" (Record of Decision issued December 12, 1994), and with a Stream Channel Alteration Permit from the Idaho Department of Water Resources.

Idaho Department of Water Resources (IDWR) Stream Channel Alteration staff have received a letter from the US Forest Service Soda Springs Ranger District requesting the information regarding rules on the IDWR website for suction dredging in the McCoy Creek drainage be updated due to outdated information:

Specifically, the IDWR website and suction dredging permit instructions reference the 1994 Environmental Assessment and Notice of Decision and Finding of No Significant Impact for Small Placer Mining Operations, Caribou Basin Area, Caribou National Forest. **These documents are no longer applicable.**

The correct reference should be the 2021 Environmental Assessment for Caribou Basin Small-Scale Placer Mining (2021 EA) and the associated Decision Notice and Finding of No Significant Impact.

The letter goes on to request:

IDWR update their website and suction dredging permit instructions to reflect how small-scale placer mining operations (i.e., suction dredging) in the McCoy Creek drainage are administered by the Forest Service per the 2021 EA. This includes:

- Up to 15 instream operations per year may be allowed for suction dredging and motorized sluicing.
- Instream activities may occur between August 1 and October 31.
- Operations may disturb up to 50 feet of contiguous stream channel.
- Suction dredges may not exceed a 5-inch diameter nozzle and 15 horsepower motor.

Additionally, at the July 25, 2025, IWRB meeting public comment was received from dredgers in the McCoy Creek drainage requesting the IWRB update the South Fork Snake River Basin Plan to reference the 2021 EA. Brian Patton recommended that the Planning Committee should look at the issue.

IDWR Staff will discuss the process for updating the South Fork Snake River Comprehensive Basin Plan.

Attachment(s):

Letter from the US Forest Service



File Code: 2800
Date: November 13, 2023

Tim Luke
Chief, Water Compliance Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Aaron Golart
State Coordinator, Stream Channel Protection Unit
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Sent via email

Dear Mr. Luke and Mr. Golart,

It has been brought to my attention that the information regarding the Forest Service rules on the Idaho Department of Water Quality (IDWR) website for suction dredging in the McCoy Creek drainage is outdated. Specifically, the IDWR website and suction dredging permit instructions reference the 1994 Environmental Assessment and Notice of Decision and Finding of No Significant Impact for Small Placer Mining Operations, Caribou Basin Area, Caribou National Forest. **These documents are no longer applicable.**

The correct reference should be the 2021 Environmental Assessment for Caribou Basin Small-Scale Placer Mining (2021 EA) and the associated Decision Notice and Finding of No Significant Impact. IDWR staff served on the interagency interdisciplinary team for the development of the 2021 EA. IDWR was also provided opportunity to review these documents and provided comments during their development. Changes to the administration of small-scale placer mining operations in the McCoy Creek drainage as a result of the 2021 EA and decision took effect in the 2022 season.

To better serve the recreational suction dredging community and to avoid potential confusion, the Forest Service requests IDWR update their website and suction dredging permit instructions to reflect how small-scale placer mining operations (i.e., suction dredging) in the McCoy Creek drainage are administered by the Forest Service per the 2021 EA. This includes:

- Up to 15 instream operations per year may be allowed for suction dredging and motorized sluicing.
- Instream activities may occur between August 1 and October 31.



- Operations may disturb up to 50 feet of contiguous stream channel.
- Suction dredges may not exceed a 5-inch diameter nozzle and 15 horsepower motor.

It was the Forest Service's understanding that once the 2021 EA was complete, the next step would be that IDWR would update their 1996 *Comprehensive State Water Plan for the South Fork of the Snake River* and the Recreational Mining Permit to reflect the updates to how the Caribou-Targhee National Forest administers these mining operations.

I am aware that there has been much confusion and angst on the part of the suction dredging community. It appears that prospective miners are getting conflicting information from the Forest Service and IDWR, as well as the Idaho Department of Environmental Quality (IDEQ), who administer the Idaho Pollutant Discharge Elimination System (IPDES) General Permit for Small Suction Dredge Placer Miners in Idaho. My staff is currently working with Angela Anderson, IDEQ IPDES General Permit Supervisor to coordinate a more simplified, interagency approach to guide miners.

It may be helpful to start a discussion this fall/winter, well in advance of the upcoming mining season. Please coordinate with Diane Wheeler, Forest Geologist, at 208-516-6297 or at diane.wheeler@usda.gov to schedule a call.

Sincerely,

BRYAN K FUELL
District Ranger

Cc: Angela Anderson, IDEQ